

**Amendments to and Listing of the Claims:**

This listing of the claims replaces all prior versions, and listings, of the claims in this application, where deleted text is indicated in strikethrough font or within double brackets and new text is underlined:

1. (Currently amended) A tracking controller comprising  
a tracking error detecting section for generating and outputting a tracking error signal that represents how much the focal point of a light beam has shifted from a target track on a storage medium,  
a tracking control section for generating a drive signal in response to the tracking error signal so as to move the light beam such that the focal point of the light beam is located right on the target track,  
a tracking error amplitude adjusting section for multiplying the tracking error signal by a predetermined proportionality constant, and  
a tracking gain calculating section for calculating and storing a gain of a tracking control loop, which is defined by the tracking error detecting section, the tracking error amplitude adjusting section and the tracking control section, at an arbitrary frequency,  
wherein the gain of the tracking error signal is switched by changing the proportionality constant depending on whether or not the focal point of the light beam is located on ~~the~~ a recorded area, and  
wherein a ratio of the gain that has been calculated by the tracking gain calculating section for the recorded area, on which the data has been written, to the gain that has been calculated by the tracking gain calculating section for an unrecorded area, on which the data has not yet been written, is used as the proportionality constant.
2. (Cancelled)
3. (Previously presented) A tracking controller according to claim 1, wherein the gain of the tracking error signal is switched depending on whether or not data is being written

on the storage medium and whether or not the focal point of the light beam is located on the recorded area.

4-7. (Cancelled)

8. (Previously presented) The tracking controller of claim 1, further comprising a tracking error amplitude measuring section for measuring the amplitude of the tracking error signal,

wherein the gain is switched depending on the amplitude that has been measured by the tracking error amplitude measuring section for the recorded area, on which the data has been written and the amplitude that has been measured by the tracking error amplitude measuring section for an unrecorded area, on which the data has not yet been written.

9. (Previously presented) The tracking controller of claim 1, further comprising

a light detecting section for detecting light that has been reflected from, or transmitted through, the storage medium, and

an area distinguishing section for judging whether the focal point of the light beam is located on the recorded area or on the unrecorded area.

10. (Previously presented) The tracking controller of claim 1, further comprising a light source for emitting the light beam,

wherein the unrecorded area is turned into the recorded area by writing data on the storage medium with the light beam focused thereon, or

wherein the recorded area is turned into the unrecorded area by erasing data from the storage medium with the light beam focused thereon.

11. (Original) The tracking controller of claim 9, further comprising a transport section for moving the focal point of the light beam across the tracks on the storage medium,

wherein an area distinction value is defined in advance based on the outputs of the light detecting section, the area distinction value being used to judge whether the focal point of the light beam is located on the recorded area or on the unrecorded area, the outputs having been obtained for the recorded area and the unrecorded area when the focal point of the light beam was moved by the transport section to the recorded area and to the unrecorded area, respectively, and

wherein the area distinguishing section determines, by the area distinction value and the outputs of the light detecting section, whether the focal point of the light beam is located on the recorded area or on the unrecorded area.

12. (Original) The tracking controller of claim 11, wherein the area distinction value is defined based on peak values of the light beams that have been reflected from, or transmitted through, the recorded area and the unrecorded area, respectively, during a predetermined period.

13. (Previously presented) The tracking controller of claim 1, wherein the storage medium is a write-once storage medium.

14. (Previously presented) The tracking controller of claim 1, wherein management information for the storage medium has been recorded in advance on the recorded area.

15. (Previously presented) The tracking controller of claim 1, wherein the storage medium includes a region on which a test pattern to adjust the intensity of the light beam in writing data on the storage medium is to be wrote, and the region is used as the recorded area and the unrecorded area.

16. (Previously presented) The tracking controller of claim 1, wherein the storage medium is a DVD-R disc, the recorded area is a data area or a control data zone, and the unrecorded area is a power calibration area.

17. (Previously presented) The tracking controller of claim 1, wherein the storage medium is a CD-R disc or a CD-RW disc, the recorded area is a data area or a power calibration area, and the unrecorded area is constituted by the first or last 30 ATIP frames of a test area of the power calibration area.

18. (Previously presented) The tracking controller of claim 1, wherein the storage medium is a DVD-RW disc, the recorded area is a data area or a recording management area, and the unrecorded area is a power calibration area.

19. (Previously presented) The tracking controller of claim 1, wherein the storage medium is a high-density storage medium from/on which data is read or written by means of a light beam with a wavelength of 405 nm, the recorded area is a permanent information and control data area or an optimum power control area, and the unrecorded area is another optimum power control area.

20. (Original) An optical disc drive comprising the tracking controller of claim 1.

21-29. (Cancelled)